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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,721	04/02/2007	Christopher L. Bohler	GLOZ 2 00154 (I)	9930
74495      7590      12/13/2010 Fay Sharpe/LUMINATION LLC 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115-1843				
EXAMINER				
ZETTL, MARY E				
ART UNIT		PAPER NUMBER		
2875				
MAIL DATE		DELIVERY MODE		
12/13/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/555,721

**Applicant(s)**

BOHLER ET AL.

**Examiner**

MARY ZETTL

**Art Unit**

2875

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3,5,7,11-18,20,21,23-30.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

/SANDRA L. O SHEA/  
Supervisory Patent Examiner, Art Unit 2875

Continuation of 11. does NOT place the application in condition for allowance because: The presented arguments have not been found to be convincing. On page 7, the applicant has argued that the reasoning for combining Harbers and Borner is illogical because Harbers specially includes a conversion means on the wire body for converting blue light to visible light in a higher wavelength range, such as green light, to be used as a look-alike of a carbon filament and that the green lighting conversion means of Borner has no function in Harbers. The examiner notes that the Borner reference was applied not to teach a color conversion means (Harbers already teaches a color conversion means), but rather to teach that a color conversion means can be located on the enclosure or dispersed in the material of the enclosure. On page 8, the applicant has argued that if Harbers were combined with Borner that the lighting system would also include a reflection means as taught in Borner. The examiner disagrees and reiterates that the Borner reference was used to teach the possibility of changing the location of the color conversion means to the envelope. On page 9, the applicant has argued that Harbers' "means for dissipating heat" does not indicate the presence of a heat sink. The examiner disagrees and maintains that a means for dissipating heat is a means for sinking the heat to a particular location and therefore can be considered a heat sink. Also on page 9, the applicant has argued that it would not have been obvious to have utilized a AC to DC converter as taught by Tseng in the invention of Harbers, Bowman, and Borner. One of ordinary skill in the art would understand that a light source can be either operated by battery power or AC power and under KSR obvious to try would have found it obvious to use one or the other sources of power (finite number of power sources to choose from). Furthermore, one would have understood that when utilizing AC power with LEDs (requiring DC power) that it would be necessary to convert the AC power to DC power such that the light source could function. In regard to the argument against the combination of the teachings of Hultz on a light guide the examiner maintains that one of ordinary skill in the art would have found it obvious to have utilized a light guide for creating the desired lighting effect (i.e. for creating the desired shapes of the "filament" and producing the desired light refracting characteristics) and just as the converting material of Harbers covers the wire the covering material could also be used to cover the light guide. In regard to the argument on page 10, that Stopa does not teach the slug inserted into the base, it is noted that "base" is a very general term and that the base of a light source can be considered that lower area of the light source and thus mounting on the PC can be considered inserted into the base, i.e. inserted into the lower section. In regard to the fins extending radially it is noted that Stopa teaches the presence of fins and the shape of the outline of the fins would be an obvious design choice to one of ordinary skill in the art.

Continuation of 13. Other: The previously applied rejections will be applied to the the amended claims since the amendments were only made to correct issues in form and do not necessitate a change in the grounds of rejection.